

ENGAGING YOUR CLIENT

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ONE OF THE MOST DIFFICULT PARTS OF PARENT DEFENSE



ASPECTS OF CLIENT ENGAGEMENT

- Establishing client's trust
- Defining client's goals
- Defining scope of representation
- Meeting your client where he/she is regarding substance abuse, mental health, domestic violence, and/or poverty issues
- Managing your client's expectations
- Engaging your client for behavioral awareness and change
- Client contact between hearings

ESTABLISHING CLIENT TRUST



- Trauma
- Culture
- Value

LET'S TALK ABOUT TRAUMA

- An emotional response to a terrible event
- Immediate reactions: shock, denial
- Long-term reactions: unpredictable emotions, flashbacks, irrational behavior, physical manifestations

KINDS OF TRAUMA

- **ACUTE TRAUMA** – experience tied to a particular event, place, or time
 - Accident
 - Act of violence
 - Natural disaster
 - Death of a loved one
 - Physical or sexual assault

- **CHRONIC/COMPLEX TRAUMA** – a build-up of multiple traumatic experiences throughout life
 - Reoccurring physical or sexual abuse
 - Long-term neglect
 - Combat experience
 - New traumatic experience brings back old feelings and issues associated with past trauma

TRAUMA AS A MATHEMATICAL EQUATION

TERRIBLE EVENT		EMOTION (HOW I FEEL)		BEHAVIOR (WHAT I DO)
Beating	+	Scared	=	Aggression
Abandonment	+	Hungry	=	Manipulation
Neglect	+	Unimportant	=	Risky behaviors
Emotional abuse	+	Worthless	=	Rage

WHY MUST WE UNDERSTAND TRAUMA?

- As attorneys for parents, we must understand that repetitive and significant encounters with trauma have real consequences for a client's physical, social, and emotional wellbeing.
- Understanding the pervasiveness of trauma helps us to be more less judgmental and more empathetic in our interactions with our clients.

TRAUMA-INFORMED ADVOCACY

- Recognizes the pervasiveness of trauma
- Incorporates an understanding of trauma's impact has on our clients
- Minimizes re-traumatization
- Supports healing and resilience

CULTURE

- The sum of attitudes, customs, and beliefs that distinguishes one group of people from another
- Includes:
 - Acculturation as a professional
 - Norms of the family and community
 - Beliefs of the family and community
 - Value system of the family and community

(Community can be defined by ethnicity, gender, nationality, race, etc.)

CULTURAL AWARENESS IS...

- “...a set of congruent behaviors, attitudes, and policies in a system, agency, or among professionals that enables the system, agency, or those professionals to work effectively in cross-cultural situations.”

Cross T., Bazron, B. Dennis, K., and Isaacs, M. (1989). Towards a culturally competent system of care, Volume I. Washington D.C.: Georgetown University Child Development Center, CASSP Technical Assistance Center.

CULTURAL AWARENESS IN REPRESENTATION

- Increases trust
- Improves communication
- Increases accuracy of information shared
- Increases understanding between client and attorney
- Improves outcomes

THINK ABOUT THE VALUE OF A PERSON

- I am...
 - Mother
 - Wife
 - Attorney
 - Judge

“I AM GOOD AT ALL OF THESE THINGS.”

“NO YOU’RE NOT!”

THIS IS WHERE WE FIND OUR CLIENTS.

- I am the subject of a legal proceeding.
- I may lose legal rights that are so important that they are Constitutionally protected.
- My entire identity is being questioned.
- My worth is being publicly challenged.
- I am the subject of judgment, scrutiny, and scorn.
- I am inept, incapable, and undeserving.

HOW TO BUILD CLIENT TRUST

- Distinguish your role
- Assure confidentiality
- Be reasonably accessible
- Be honest
- Avoid traumatic triggers
- Ask easy questions
- Explain the hard questions you have to ask

DEFINING CLIENT'S GOALS

- Goals for self
- Goals for children
- How can we work together to make these things happen ASAP?

DEFINING SCOPE OF REPRESENTATION

- CHIPS phase
 - Adjudication
 - Disposition
 - Judicial Reviews
 - Planning ahead
- Permanency phase
 - Making a good record
- Appellate phase
 - Preserving the right to appeal

MEETING YOUR CLIENT WHERE S/HE IS

- “The most important quality counsel can bring to the first meeting with the client who has experienced [the removal of a child] is empathy. What the client needs above all else at this moment in her life is a respectful professional who avoids all prejudgment and shows proper respect for the parent by listening carefully to what she has to say and demonstrating a commitment to work on her behalf going forward.”
 - Matthew Fraidin, Chapter 3, Representing Parents in Child Welfare Cases.

MANAGING CLIENT EXPECTATIONS

- Define and divide the workload
- Break large tasks down into small steps
- Checklist approach
- Explain the purpose and goal of each court hearing

ENGAGING YOUR CLIENT FOR BEHAVIORAL AWARENESS AND CHANGE

- Case plan goals are measured by indicators of client's growing self-awareness and ability to change unsafe behavior
- County and court want client to experience real changes – not just go through the motions of case plan to complete a task
- Real change in behavior or awareness is sometimes hard to measure or see
- Engaging client in reflection about what they have / are learning through process may be helpful
- Create a record of meaningful changes

CLIENT CONTACT OUTSIDE OF COURT

- The phone works both ways
- Confirm phone number and address at every meeting
- Get back-up phone numbers and addresses
- Who knows how to find you?
- Send letters
- Assign a call time

PREPARING YOUR CLIENT FOR THE CASE PLAN MEETING

- What is likely to be in the case plan?
- What NEEDS to be in the case plan
- What kind of help does your client need from CSS?
- Write it down!

PREPARING YOUR CLIENT FOR COURT

- Punctuality
- Attire
- Demeanor (posture, facial expressions)
- Communication in the courtroom
- Emotionality
- Interaction with children

TALKING WITH YOUR CLIENT IMMEDIATELY AFTER COURT

- Praise
- Do you understand what just happened?
- Next steps
- Confirm contact information
- Send a letter if necessary

Questions?